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**Foodstuffs—Misbranding—Enforcement of Act by State Board of Health. (Act 213, July 20, 1914.)**

SECTION 1. That any person who by himself or his servant or agent, or as the servant of agent of another, shall manufacture, sell, offer for sale, or have in his possession for sale, any article of food which is misbranded within the meaning of section 2 of this act, shall be guilty of a misdemeanor, and upon conviction by any court of competent jurisdiction shall be fined not less than \$10 nor more than \$200 for the first offense; not less than \$25 nor more than \$400 for the second offense; not less than \$50 nor more than \$500, or imprisonment for not less than 10 days nor more than 6 months, or both, for each subsequent offense.

SEC. 2. That the term "misbranded" as used herein shall apply to articles of food in package form which do not bear plainly and conspicuously marked on the outside thereof the quantity of the contents in terms of weight, measure, or numerical count; provided that reasonable variations shall be permitted, and tolerances, and also exemptions as to small packages, shall be established by the State board of health by rules and regulations uniform with rules and regulations established by the United States Department of Agriculture.

SEC. 3. That the term "an article of food" as used herein shall include all articles used as food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound. "In package form" shall mean any container, whether glass, tin, wood, or paper, in which the article of food is packed and, with its contents, sold, offered for sale, or in possession for sale. The terms "weight or measure" shall mean the net weight, or net measure, in terms in accordance with trade customs.

SEC. 4. That the State board of health shall be charged with the enforcement of this act as in the enforcement of any provisions of the sanitary code; not, however, to the exclusion of other authorities charged with the enforcement of the laws.

SEC. 5. That this act shall take effect from and after January 1, 1915; provided, however, that goods and merchandise on hand January 1, 1915, shall be branded "on hand January 1, 1915," and the sale thereof shall not be construed as a violation of the provisions of this act.

**Pure Food and Drugs Act. (Act 282, July 23, 1914.)**

SECTION 1. That it shall be unlawful for any person to manufacture within this State any article of food or drug which is adulterated or misbranded, within the meaning of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed \$500, or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than \$1,000 or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court.

SEC. 2. That the introduction into this State from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drug which is adulterated or misbranded, within the meaning of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to this State, or who shall receive in this State from any other State or Territory or the District of Columbia, or foreign country, and having so received shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in this State any such adulterated or misbranded foods or drugs, or exports or offers to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding \$200 for the first offense, and upon con-

viction for each subsequent offense not exceeding \$300 or be imprisoned not exceeding one year or both, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped, but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this act.

SEC. 3. That the State board of health shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in this State or which shall be received from any foreign country, or intended for shipment to any foreign country.

SEC. 4. That the examinations of specimens of foods and drugs shall be made by the State board of health or under the direction of the State board of health for determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this act, the secretary of the board shall cause the notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the secretary of the board shall at once certify the facts to the proper district attorney of the board, with a copy of the results of the analysis or the examination of such authorized [sic] by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

SEC. 5. That it shall be the duty of each district attorney or attorney of the board to whom the secretary of the State board of health shall report any violation of this act, or to whom any health or food or drug officer or agent shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts, without delay, for the enforcement of the penalties as in such case herein provided.

SEC. 6. That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

SEC. 7. That for the purposes of this act an article shall be deemed to be adulterated, in case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

In case of confectionery:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

In the case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health; provided that when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 8. That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

That for the purposes of this act an article shall also be deemed to be misbranded:

In case of drugs—

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substance contained therein.

Third. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent.

In case of food—

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein.

Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however,* That reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section 3 of this act.

Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided,* That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided,* That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further,* That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 9. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in this State from which he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it, said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SEC. 10. That the term "Territory," as used in this act, shall include the insular possessions of the United States. The word "person," as used in this act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

SEC. 11. That this act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those States which enact it.

#### **Waters—Discharge of Waste into. (Reg. Bd. of H., May 19, 1914.)**

Section 365 of chapter 15 of the sanitary code was amended so as to read as follows:

"No person, persons, company, or corporation shall cause, permit, or allow any sewage, drainage, factory refuse, or any foul or offensive liquid or other material to flow, leak, escape, or be emptied or discharged into the waters of any river, stream, canal, harbor, bay, or estuary, or into the sea within the city limits, excepting below low-water mark, and in such manner and under such conditions that no nuisance can or shall be caused thereby or as a result thereof.